

# Order

Michigan Supreme Court  
Lansing, Michigan

October 19, 2005

Clifford W. Taylor,  
Chief Justice

128368

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 128368  
COA: 255416  
Berrien CC: 03-411091-SD

MARK JOSEPH ANSTEY,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the February 8, 2005 judgment of the Court of Appeals is considered, and it is GRANTED. The parties are directed to include among the issues to be briefed: (1) whether dismissal is the proper remedy for the denial of an independent chemical test in violation of MCL 257.625a(6)(d); and (2) whether this Court's decision in *People v Koval*, 371 Mich 453 (1963), was correctly decided.



s1012

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 19, 2005

*Corbin R. Davis*

Clerk